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FARM CREDIT WEST, FLCA

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
SANTA ANA DIVISION**

In re
NORTHERN HOLDING LLC,
Debtor and Debtor-in-Possession.

Case No. 8:20-bk-13014-MW

Chapter 7 (Formerly 11)

**FARM CREDIT WEST, FLCA'S
STATEMENT OF POSITION AND
OPPOSITION TO THE FINAL
APPLICATION BY RESNIK HAYS
MORADI, LLP FOR ALLOWANCE OF
FEES AND REIMBURSEMENT OF
COSTS FOR THE PERIOD FEBRUARY 5,
2021 THROUGH JUNE 15, 2021**

Date: November 22, 2021
Time: 9:00 a.m.
Place: Courtroom 6C
411 W. Fourth Street
Santa Ana, CA 92701

The Hon. Mark S. Wallace

23 TO THE HONORABLE MARK S. WALLACE, UNITED STATES BANKRUPTCY
24 JUDGE, THE DEBTOR, THE UNITED STATES TRUSTEE, ALL OTHER PARTIES IN
25 INTEREST, AND THEIR RESPECTIVE COUNSEL:

26 Secured Creditor, Farm Credit West, FLCA ("FCW" or "Secured Lender") submits this
27 Statement of Position and Opposition to the *Final Application by Resnik Hays Moradi LLP, for*
28 *Allowance of Fees and Reimbursement of Costs, etc.* ("Final Application") [Dkt. 221] filed by
4415949v1 | 100067_0004

1 Resnik Hays Moradi LLP, (former) General Counsel for the Chapter 11 Debtor ("Movant") herein.

2 Secured Lender takes no position with respect to Court's approval (or not) of the specific
3 time entries and other reimbursement requests included in the Final Application. Nor does
4 Secured Lender take umbrage as to the Court's possible allowance of any amount of such fees and
5 costs on an interim or final basis at this time, as long as such fees and expenses approved are
6 deemed to be Chapter 11 Administrative expenses that are "junior" to all of Secured Lender's
7 secured claims, and to all Chapter 7 administrative expenses incurred by the Chapter 7 Trustee or
8 the Chapter 7 Estate. Secured Lender does, however, strenuously object to, and does not consent
9 to, the Court's allowance or approval of the use of even one penny of Secured Lender's cash
10 collateral, or the proceeds of Secured Lender's collateral, to actually pay any of the requested fees
11 or expenses of Movant that may be approved or allowed by the Court on an interim or final basis
12 *until such time as Secured Lender's secured claims in this Chapter 7 case have been paid in full.*

13 Secured Lender respectfully requests that any Order issued with respect to the Final
14 Application expressly provide that Secured Lender's cash collateral, if and when generated and/or
15 if ever held by the Debtor, the Debtor's Estate or the Chapter 7 Trustee herein, may never be used
16 or expended to pay any of Movant's fees or expenses that are ever allowed or approved by the
17 Court, unless (i) the Court has previously determined that Secured Lender's secured claims have
18 been paid in full, or (ii) Secured Lender has subsequently agreed with the Chapter 7 Trustee, in
19 writing and in Secured Lender's its sole discretion, that such fees and expenses may be paid in
20 whole or in part, in accordance with the terms of such subsequent written agreement.

21 DATED: November 8, 2021

Respectfully submitted,
FRANDZEL ROBINS BLOOM & CSATO, L.C.
MICHAEL J. GOMEZ
REED S. WADDELL
GERRICK M. WARRINGTON

25 By: /s/ Reed S. Waddell

26 REED S. WADDELL

27 Attorneys for Secured Creditor, FARM CREDIT
28 WEST, FLCA

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 1000 Wilshire Boulevard, Nineteenth Floor, Los Angeles, CA 90017-2427.

A true and correct copy of the foregoing document entitled (*specify*): **FARM CREDIT WEST, FLCA'S OPPOSITION TO THE FIRST INTERIM APPLICATION BY RESNIK HAYS MORADI, LLP FOR ALLOWANCE OF FEES AND COSTS** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) November 8, 2021, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

See attached service list.

Service information continued on attached page.

2. SERVED BY UNITED STATES MAIL:

On (date) _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page.

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) March 5, 2021, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

The Honorable Mark S. Wallace
U.S. Bankruptcy Court
Ronald Reagan Federal Building
Judge Wallace's mail slot by 6th Floor elevators
411 W. Fourth Street
Santa Ana, CA 92701

Service information continued on attached page.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

November 8, 2021
Date

Sandra Young-King
Printed Name

/s/ Sandra Young King
Signature

ADDITIONAL SERVICE INFORMATION (if needed):

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

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